

### **REMARKS**

Upon entry of this amendment, claims 1-5, 7, 8 and 10-12 are all the claims pending in the application. Claims 13-22 are canceled by this amendment.

#### **I. Claim Rejections under 35 U.S.C. § 103(a)**

The Examiner has rejected claims 1-5, 7, 8 and 10-12 under 35 U.S.C. § 103(a) as being unpatentable over Corrigan et al. (U.S. 6,552,977) in view of Alman (U.S. 4,479,718) and the Admitted Prior Art; and has rejected claims 13-22 under 35 U.S.C. § 103(a) as being unpatentable over Corrigan et al., Alman, and the Admitted Prior Art, in view of Kazuya et al. (JP 10-170436).

Independent claims 1, 4 and 7, as amended, recite the feature of an image analyzer which separately and quantitatively evaluates a glitter feeling and a particle feeling of a two-dimensional image photographed by a CCD camera, wherein the glitter feeling is a perception of an irregular minute brilliance produced by light regularly reflected from a brilliant pigment in a paint film, and wherein the particle feeling is an irregular non-oriented pattern caused by an orientation or an overlap of a brilliant pigment in a paint film containing a brilliant material when observing a sample under a lighting condition in which a brilliance feeling does not easily occur. Support for the amendment to claims 1, 4 and 7 can be found at page 10, lines 8-16 of the specification. Applicants respectfully submit that the cited prior art fails to teach or suggest at least this feature of claims 1, 4 and 7.

Corrigan discloses a method and apparatus for matching paint on a vehicle in which a plurality of remote terminals located at repair shops transmit color readings and associated

vehicle identification information to a central computer (see col. 1, lines 60-64). In order to perform the color readings for the vehicles, Corrigan discloses the use of a paint scanning device in the form of a colorimeter (see col. 6, lines 47-49) or a spectrophotometer (see col. 5, lines 7-11) that is responsible for taking the color measurement of the vehicles.

In a similar manner, Alman discloses a method and apparatus for matching paint on a vehicle. Alman also discloses that colorimeters and spectrophotometers are typically used as the paint measuring devices (see col. 1, lines 20-26). For the color measurement of a metallic paint, Alman discloses that it is necessary to take measurements at more than one angle due to the orientation of the flakes in the metallic paint (see col. 1, lines 41-52).

Regarding the admitted prior art, Applicants note that the Examiner has relied on the admitted prior art for the teaching of K-values and S-values as disclosed on page 1, lines 9-25 of the specification. Regarding Kazuya, Applicants note that the Examiner has relied on this reference for teaching an image which is divided into a plurality of pixels at an image-analyzing apparatus, wherein a luminance of each pixel is measured (see Abstract).

In view of the foregoing, Applicants respectfully submit that while the cited prior art teaches the ability to match paint for a vehicle, the combination of cited prior art fails to teach, suggest, or otherwise render obvious the feature of an image analyzer which separately and quantitatively evaluates a glitter feeling and a particle feeling of a two-dimensional image photographed by a CCD camera, wherein the glitter feeling is a perception of an irregular minute brilliance produced by light regularly reflected from a brilliant pigment in a paint film, and wherein the particle feeling is an irregular non-oriented pattern caused by an orientation or an

overlap of a brilliant pigment in a paint film containing a brilliant material when observing a sample under a lighting condition in which a brilliance feeling does not easily occur, as recited in claims 1, 4 and 7.

Accordingly, Applicants submit that claims 1, 4 and 7 are patentable over the cited prior art, an indication of which is respectfully requested. Claims 2, 3 and 10 depend from claim 1; claims 5 and 11 depend from claim 4; and claims 8 and 12 depend from claim 7. Thus, Applicants respectfully submit that these claims are patentable at least by virtue of their dependency. As noted above, claims 13-22 are canceled by this amendment.

## II. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may best be resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

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Respectfully submitted,

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